

Application No. 10/765,323
Amendment dated February 21, 2006
Reply to Office Action of November 30, 2005

Docket No. 1232-5260

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks. Also, Applicant respectfully requests the Examiner's acknowledgement of receipt of the certified copy of the Priority Document in the next Office Action.

Status of the Claims

Claims 1-6 are pending in this application. Claims 1 and 6 are independent. All of the pending claims stand rejected. By this amendment, claims 1, 2 and 6 are amended. New claims 7 and 8 are added. No new matter has been added by this amendment.

Rejection under 35 U.S.C. §103

Claims 1, 2, 4 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,359,701 to Yamada et al. ("Yamada") in view of U.S. Patent No. 6,067,101 to Arakawa et al. ("Arakawa").

Independent claims 1 and 6 have been amended for further clarification. In particular, amended claim 1 is directed to a printing apparatus comprising, *inter alia*, "counting means for counting time on the basis of an internal time, said counting means is operated by power supplied from a battery; flag setting means for setting a flag in a register when a battery abnormality has occurred in said counting means; determining means for determining whether the battery abnormality has occurred based on the status of the flag set in said flag setting means; refreshing means for refreshing the internal time with a predetermined time when it is determined that the battery abnormality has occurred based on the result from said determining means; and maintenance designation means for designating execution of the maintenance

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operation on the basis of the internal time.” Amended claim 6 is a method claim mirroring the elements of claim 1 as amended. Support for the amendment may be found throughout the specification as originally filed (e.g., page 14/line 11 - page 15/line 16).

One of the aspects of the present invention as featured in amended claim 1 is to “reset” the timer (i.e., a counter) of the printing apparatus when there was a battery failure so that an accurate time for a regular maintenance can be automatically set without any involvement of the user. See, also, page 16, lines 19-25 of the original specification.

Yamada discloses a printer having at least two print heads each of which can be controlled independently. Applicant notes that a portion of Yamada (i.e., col. 18, lines 24-46) discloses a conventional scheduling method in a printer device describing “[t]he method for scheduling cleaning ... includes... a last cleaning time for at least one print head in the ink jet printer, and calculating an elapsed time by subtracting the stored real time/date informatino and the stored last cleaning time.”

However, there is nothing in Yamada that teaches a provision that refreshes the timer/counter upon determining a power failure of the battery that operates the timer/counter.

Arakawa is cited as disclosing as the flagging of the present invention. The Examiner cites col. 15, lines 40-47 of Arakawa as disclosing this feature. Applicant notes that the cited portion of Arakawa merely teaches writing a flag upon detecting a low battery to judge whether the battery is usable or not. In other words, there is nothing in Arakawa that teaches the invention as discussed above including the refreshing of the internal time upon determining that there was a power failure.

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Accordingly, each of claims 1 and 6 as amended is neither anticipated by nor rendered obvious in view of the cited references (i.e., Yamada and Arakawa), either taken alone or in combination, for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1 and 6 under 35 U.S.C. §103(a) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

New claims 7 and 8 are added to claim the invention in an alternative manner. Each of new claims 7 and 8 depends from claim 6 and claim 1, respectively. Accordingly, new claims 7 and 8 are also believed to be allowable for at least the similar reasons as in claims 1 and 6.

Applicant believes that the application is in condition for allowance and such action is respectfully requested.

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AUTHORIZATION

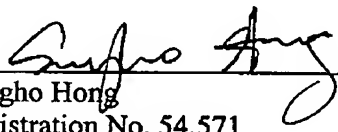
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5260). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: February 21, 2006

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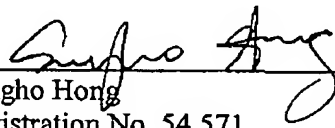
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